UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JANA E. ENGLE,)	
Plaintiff,)	
)	
V.)	No. 4:10-CV-963 CAS
)	
LIFE INSURANCE COMPANY OF)	
NORTH AMERICA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. On August 5, 2010, plaintiff filed a "Reply to Affirmative Defenses" (Doc. 26).

Rule 7(a) of the Federal Rules of Civil Procedure specifies the pleadings which are permitted to be filed in a federal civil case. The Rule states:

- (a) **Pleadings**. Only these pleadings are allowed:
 - (1) a complaint;
 - (2) an answer to a complaint;
 - (3) an answer to a counterclaim designated as a counterclaim;
 - (4) an answer to a crossclaim;
 - (5) a third-party complaint;
 - (6) an answer to a third-party complaint; and
 - (7) if the court orders one, a reply to an answer.

Rule 7(a), Fed. R. Civ. P. (second emphasis added).

"[A] reply [to a responsive pleading] is allowed only on a court order and in limited circumstances." 2 James Wm. Moore, et al., Moore's Federal Practice § 7.02[7][a] (3d ed. 2010). "A clear showing of necessity or of extraordinary circumstances of a compelling nature will usually be required before the court will order a reply. Even an allegation of new matter that goes beyond

the allegations of the responsive pleading is not a sufficient ground for a reply." 2 Moore's Federal

<u>Practice</u> § 7.02[7][b] (footnotes omitted). "Thus, replies to affirmative defenses generally will not

be permitted or required." Id.

The Court did not order plaintiff to file a reply. As a result, the reply was not properly filed

under Rule 7(a), Fed. R. Civ. P. In addition, the reply concerns affirmative defenses, and therefore

is presumptively not permitted or required. The reply will be stricken from the record. Plaintiff may

seek leave of Court to file a Reply, but she should keep in mind the restrictions concerning replies

as set forth above.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Reply is **stricken** from the record. [Doc. 26]

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 11th day of August, 2010.

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